

REGULATION
on
the Execution of Sentences

Art. 1

Role of the Prison and Probation Administration

The role of the Prison and Probation Administration is as follows:

- 1 Supervising the execution of penal sentences. The Prison and Probation Administration forwards sentences of fines to the chief of police for execution, as well as the legal costs for collection.
- 2 Supervising the monitoring of those whose indictment has been postponed, who have received suspended sentences and have been subject to surveillance, have been released on probation, pardoned or allowed postponement of serving a sentence.
- 3 Supervising prisons providing specialized service as stipulated by law and other regulations.
- 4 Supervising other projects in accordance with the provisions of the Execution of Sentences Act and the regulations set on grounds of said Act, as well as supervising statistical data regarding the Prison and Probation Administration's sphere of responsibility, and thereby enhancing research in the field of prison affairs.

Art. 2

Prison divisions

Prisons may be divided into wards, for example remand-custody ward, security ward and treatment ward.

Art. 3

Prison's security ward

Prisoners who have committed serious or repeated disciplinary violations and are deemed to jeopardize the safety of the prison may be placed in a security ward, or if they cannot be placed with other prisoners due to their conduct.

Art. 4

Decision on placement in a security ward

The director of the relevant prison decides when a prisoner shall be placed in a security ward, cf. Art. 21, para 5, of the Execution of Sentences Act no. 15/2006. Such a decision shall be argued in writing and shall be recorded. Placement in a security ward may not be determined to last for more than three months at a time.

Art. 5

Right and duties of prisoners in a security ward

If a prisoner who is placed in a security ward carries out work or engages in study, such activity shall generally take place there. Outdoor and leisure activities of prisoners in a

security ward shall generally take place at another time than the outdoor and leisure activities of other prisoners. Interaction with prisoners outside a security ward is not permissible except subject to special consent by the prison director. Such interaction shall generally take place by means of correspondence.

In other respects the rights and duties of a prisoner who is placed in a security ward shall be as provided for by the Execution of Sentences Act, and the regulations and rules set on grounds of said Act.

Art. 6

Supervision by health personnel of a prisoner in a security ward

A medical doctor shall be informed when a prisoner is placed in a security ward. The medical doctor or other health personnel, for example, a psychologist or a registered nurse, shall regularly monitor the prisoner.

Art. 7

Treatment plan

The Prison and Probation Administration shall collaborate with prisoners in preparing a treatment plan for the prisoner if this is deemed as necessary in the opinion of specialists of the Prison and Probation Administration.

The schedule shall state, among other things, the need for therapy, including the needs for psychological, social and other support. Work shall commence according to this schedule with prisoners under the supervision of skilled and trained personnel.

The goal of the therapy schedule is to enable the prisoner to find footing in the society after finishing serving his sentence; that he may seek assistance, have a permanent place of stay, and has good contact with family and/or friends.

Art. 8

Work in prison

Meal breaks are not considered as working hours.

When a prisoner for religious reasons is unable to work on a certain day of the week, consideration shall be shown to the extent possible. In such an instance the director of the prison may decide that the prisoner meets his work duties in a different manner.

Art. 9

Arrangement of visits

A prisoner is authorized to receive visitors for as long as two hours each time. The director of the prison may decide a longer visit period, both generally and in individual circumstances. Visits by friends at a closed prison shall generally take place without physical contact during the first two instances, i.e. the visit shall take place at the glass visitor facility of the prison if such exists. If such a facility does not exist, the visit shall generally be supervised by prison guards.

Art. 10

Supervision of visits

At the beginning of serving a sentence, the prisoner shall inform prison personnel of the identity of his nearest relatives. The prisoner shall submit his request for their visits to prison personnel.

A prisoner wishing to receive visitors other than those mentioned at the beginning shall generally state this two weeks in advance. Upon arrival at the prison the visitor shall submit a valid personal ID. The shift-supervisor is authorized to grant an exemption from this if such is clearly unnecessary.

Art. 11

Regular visits

The director of a prison may allow regular visits by specific individuals to one or more prisoners without this reducing a prisoner's right to regular visits. Such visits may take place outside of the regular visiting hours.

Art. 12

Supervised visits

When a visit takes place under the supervision of a prison guard the condition may be set that the conversation takes place in a language which the guard understands, if this is deemed as necessary to maintain good order and security in the prison or to prevent culpable conduct. The assistance of an interpreter may be requested if this is considered necessary.

Art. 13

Further rules on the arrangement of visits

The director of a prison may set further rules in other respects regarding the arrangement of visits, for example, regarding the visiting hour and which items a visitor may bring with him. The visitor of a prisoner shall be informed of the rules that prevail regarding visits.

Art. 14

Seizure of letter

If a letter is seized the sender shall be notified about such seizure unless pressing circumstances prevent this.

Art. 15

Public institutions

Public institutions cf. Art. 49, para 4, and Art. 50, para 2, of the Execution of Sentences Act, are as follows in addition to the Icelandic public institutions:

- 1 European Court of Human Rights
- 2 United Nations Human Rights Committee
- 3 United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)
- 4 European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
- 5 Diplomats or consuls if a prisoner is a citizen of the relevant state.

Art. 16

Access to news media

A written request for interviewing a prisoner by the news media shall be sent to the Prison and Probation Administration. The request shall state who would be interviewed, the content of the interview in main terms, and whether taking pictures or sound recording is requested. When considering whether an interview will be granted, the Prison and Probation Administration shall in particular take into account the conduct of a prisoner serving a sentence. An interview will not be granted if it is deemed that this opposes public interests or the interests of a victim.

In the instance of a remand prisoner, the officer in charge of the investigation of the relevant case shall, subject to collaboration with the Prison and Probation Administration, determine whether an interview will be granted, in accordance with Art. 99, para 1, item e, of Act no. 88/2008 on Criminal Procedure with subsequent amendments.

If an interview is authorized, the authorization shall specify the arrangement of the interview, including supervision of the interview, and that the Prison and Probation Administration will be authorized to examine the interview or pictures in their final version prior to publication or posting, in order to verify whether the conditions for the interview or pictures were met, to ensure that the interview is deemed as neither opposing public interests nor the interests of a victim.

Direct broadcasting of an interview is prohibited. Identifying or addressing the personal affairs of other prisoners than the interviewed prisoner is not permitted. Photographing other prisoners than the one being interviewed is prohibited except with their consent. The director of the prison decides where photographing takes place.

Art. 17

Regular daily leaves

A prisoner shall be paid remuneration or a daily allowance during such time he is outside of prison because of leave of absence, unless he has breached the conditions of his leave or in other respects breached or abused the applicable rules in other respects.

Art. 18

Denial of leave of absence or its cancellation

If a leave to spend time outside the prison has been denied on grounds of it being deemed that the prisoner would abuse the leave, or it has been cancelled, there shall be a stipulation as to when such a decision might come up for review.

Art. 19

Notification to municipalities on the completion of service of sentence

If needed, the Prison and Probation Administration will notify the social services of the municipality where a prisoner is domiciled of his completion of serving his sentence.

Such a notification shall generally not be dispatched later than two months before the estimated final day of service of sentence.

Art. 20

Remand prisoners

If possible, an investigator shall inform the personnel of the relevant prison in due course about an arriving remand prisoner.

When a prisoner arrives for remand custody a prison's employee shall be given a confirmed copy of the ruling or a statement by a judge regarding the ruling. Furthermore, a form for the custody shall be submitted, issued by the person in charge of the investigation, stating the name, ID number and address of the prisoner, where and when the ruling was rendered, its duration, the name of the prisoner's defense counsel and his telephone number. The form shall furthermore state the arrangements of the remand.

Art. 21

Beginning of remand custody

When an employee of a prison has verified that a prisoner shall be placed in remand custody, the prisoner shall submit his personal items and will undergo physical search. Prior to a remand prisoner being brought to his cell, he may be permitted to take a bath or shower.

Art. 22

Meals of remand prisoners

A remand prisoner shall be provided with meals at regular meal times. The prison director may restrict or prohibit meals being sent to the prisoner if this is deemed as causing a risk of disruption of good order and security within the prison. The prison does not pay meals which a remand prisoner obtains or receives especially unless this is done at the advice of a prison medical doctor.

Art. 23

Short-term leave of remand prisoners

In the instance of a remand prisoner being granted short-term leave, cf. Chapter V of the Execution of Sentences Act, a written consent by the person in charge of the investigation must be provided.

A remand prisoner who has been granted a short-term leave shall always be accompanied by police officers or prison guards.

Art. 24

Processing personal data

The Director General of the Prison and Probation Administration and the prison directors are responsible for security in the processing of personal information and its handling conforming to rules and standards as set by the Icelandic Data Protection Authority for ensuring the security of data. Furthermore, they are responsible for the protection of data being solid. In order to satisfy these requirements, a security assessment and systematic security measures shall be taken.

The Director General of the Prison and Probation Administration and the prison directors shall implement and organize continual internal supervision of the processing of personal data. Such supervision shall be aimed at ensuring the reliability of information and prevent unauthorized access, changes or disclosure of information.

The processing of personal data shall be restricted to information that is necessary in respect of work relating to the execution of sentences and utilizing such information in other ways is prohibited. To the extent possible, processing personal data shall be subject to verified information. Information shall be deleted when no longer needed.

Access by the personnel of the Prison and Probation Administration shall not be more complete than necessary with regard to their projects.

Art. 25

Background checks

Before a person is appointed, installed temporarily or hired for work at the Prison and Probation Administration or in state prisons, he shall, upon his approval, undergo an investigation which involves obtaining information from records and information systems indicated in Art. 10, para 2, of the Execution of Sentences Act no. 15/2016, as part of an

evaluation as to whether this party shall be given access to state prisons and access to information on the implementation of prison work and about prisoners.

Such background check involves, among other things, inspection and verification as follows:

- A. Identity of the relevant person, for example, by means of a valid passport.
- B. Home or residence of the relevant person five years prior.
- C. The record of the relevant person five years prior.
- D. Whether there exists a risk of the relevant person working at the Prison and Probation Administration or in state prisons.

The inspection shall be repeated regularly and not less than every five years, cf. Art. 10, para 1, of the Execution of Sentences Act no. 15/2016.

The Prison and Probation Administration is authorized, as appropriate and with the assistance of the National Commissioner of the Police, to initiate random checks of those who have passed the background checks while the relevant person is working with the Prison and Probation Administration and in state prisons. The Prison and Probation Administration is furthermore authorized to monitor the registration of background-checked data about individuals in police records for as long as they are working and their access authorizations are in effect. Background checks in police records shall be ceased if an individual stops working.

If data are submitted that are not deemed as sufficient for evaluating the relevant person and he has not responded to repeated requests for further data or information, the Prison and Probation Administration may reject his application.

Art. 26

Information obtained from the information system of Interpol or other foreign authorities regarding background checks

The Prison and Probation Administration shall send a request for obtaining information, cf. Art. 10, para 2, item e, of the Execution of Sentences Act no. 15/2016, to the office of the National Commissioner of the Police in order to facilitate a background check of an individual in accordance with this provision of law.

If the relevant person has resided abroad over the last five years prior or is a foreign national, data shall be obtained from that state. In such instances the Prison and Probation Administration may require the relevant person to submit his criminal record certificate issued by the appropriate state and the certificate shall be dated inside of three months from the date of the application.

Art. 27

Evaluation of criminal record following background checks

When determining whether to appoint, temporarily install or hire an applicant to work at the Prison and Probation Administration or in state prisons, a special examination shall be made as to whether the applicant has a criminal record. Emphasis shall be on information from registers and information systems, cf. Art. 10, para 2, of the Execution of Sentences Act.

If an individual, in Iceland or abroad, has been sentenced for violations of the General Penal Code, the Narcotics Act or the Weapons Act he/she shall generally be denied employment. If an individual, in Iceland or abroad, has been fined for violations of the aforementioned laws and/or has unfinished cases in the judicial system where he is suspected or accused of

culpable conduct pertaining to violations of said laws, or has breached other laws, he may be denied employment.

If the background check reveals that the police have repeatedly had to intercept an individual because of his alleged offences, the Prison and Probation Administration may decide to deny him employment with the administration or at the state prisons.

Art. 28

Requirements for electronic surveillance

If the Prison and Probation Administration deems a prisoner suitable to utilize the measures cf. Art. 31, para 1, of the Execution of Sentences Act no. 15/2016, however, an institution or a home deems him unsuited, the Prison and Probation Administration may nevertheless allow the prisoner to complete serving his sentence, cf. the Act's Art. 33 provided he meets the other conditions for doing so.

Art. 29

Entry into force

This Regulation as set in accordance with an authorization in Art. 98 of the Execution of Sentences Act no. 15/2016, enters into force forthwith.

At the same time Regulation no. 961, 8 November 2005, on the Execution of Sentences, with subsequent amendments, becomes ineffective.

The Ministry of Justice, 14 February 2018

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